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AN ACT

RELATING TO HEALTH; PROVIDING THAT THE DEPARTMENT OF HEALTH
MAY CONTRACT WITH AN INDEPENDENT CONTRACTOR TO OPERATE FORT
BAYARD MEDICAL CENTER OR TO PROVIDE FOR A REPLACEMENT
FACILITY TO BE LOCATED IN GRANT COUNTY; PROVIDING OPTIONS FOR
CURRENT EMPLOYEES AT FORT BAYARD MEDICAL CENTER; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Department of Health
Act, Section 9-7-6.5 NMSA 1978, is enacted to read:

"9-7-6.5. AGREEMENTS FOR OPERATION OF OR CONSTRUCTION
OF A REPLACEMENT FACILITY FOR FORT BAYARD MEDICAL CENTER.--

A. Notwithstanding any other provision of state
law or rule, the secretary may:

(1) enter into an agreement, including an
agreement with an independent contractor, to operate Fort
Bayard medical center or a replacement for Fort Bayard
medical center in Grant county; or

(2) in conjunction with the property control
division of the general services department, the state land
office or other appropriate state agency, enter into a lease
or other long-term use agreement of not more than twenty-five
years with an independent contractor or the owner of the
facility for the provision and operation of a facility to be

1 located in Grant county to replace Fort Bayard medical
2 center.

3 B. The provisions of the Procurement Code shall
4 not apply to the procurement of an agreement entered into by
5 the secretary pursuant to this section.

6 C. An agreement entered into pursuant to this
7 section shall include provisions for the continued employment
8 of all current and future Fort Bayard medical center
9 employees, excluding management employees of the contractor,
10 as state employees, entitled and subject to all the rights
11 and responsibilities of state employees. Under the terms of
12 the agreement and the overall direction of the department,
13 the independent contractor shall provide management and
14 supervision to state employees at Fort Bayard medical center,
15 including the provision of work assignments, evaluations and
16 promotional and disciplinary actions."

17 Section 2. Section 13-1-98 NMSA 1978 (being Laws 1984,
18 Chapter 65, Section 71, as amended) is amended to read:

19 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
20 provisions of the Procurement Code shall not apply to:

21 A. procurement of items of tangible personal
22 property or services by a state agency or a local public body
23 from a state agency, a local public body or external
24 procurement unit except as otherwise provided in Sections
25 13-1-135 through 13-1-137 NMSA 1978;

1 B. procurement of tangible personal property or
2 services for the governor's mansion and grounds;

3 C. printing and duplicating contracts involving
4 materials that are required to be filed in connection with
5 proceedings before administrative agencies or state or
6 federal courts;

7 D. purchases of publicly provided or publicly
8 regulated gas, electricity, water, sewer and refuse
9 collection services;

10 E. purchases of books and periodicals from the
11 publishers or copyright holders thereof;

12 F. travel or shipping by common carrier or by
13 private conveyance or to meals and lodging;

14 G. purchase of livestock at auction rings or to
15 the procurement of animals to be used for research and
16 experimentation or exhibit;

17 H. contracts with businesses for public school
18 transportation services;

19 I. procurement of tangible personal property or
20 services, as defined by Sections 13-1-87 and 13-1-93 NMSA
21 1978, by the corrections industries division of the
22 corrections department pursuant to regulations adopted by the
23 corrections commission, which shall be reviewed by the
24 purchasing division of the general services department prior
25 to adoption;

1 J. minor purchases not exceeding five thousand
2 dollars (\$5,000) consisting of magazine subscriptions,
3 conference registration fees and other similar purchases
4 where prepayments are required;

5 K. municipalities having adopted home rule
6 charters and having enacted their own purchasing ordinances;

7 L. the issuance, sale and delivery of public
8 securities pursuant to the applicable authorizing statute,
9 with the exception of bond attorneys and general financial
10 consultants;

11 M. contracts entered into by a local public body
12 with a private independent contractor for the operation, or
13 provision and operation, of a jail pursuant to Sections
14 33-3-26 and 33-3-27 NMSA 1978;

15 N. contracts for maintenance of grounds and
16 facilities at highway rest stops and other employment
17 opportunities, excluding those intended for the direct care
18 and support of persons with handicaps, entered into by state
19 agencies with private, nonprofit, independent contractors who
20 provide services to persons with handicaps;

21 O. contracts and expenditures for services or
22 items of tangible personal property to be paid or compensated
23 by money or other property transferred to New Mexico law
24 enforcement agencies by the United States department of
25 justice drug enforcement administration;

1 P. contracts for retirement and other benefits
2 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

3 Q. contracts with professional entertainers;

4 R. contracts and expenditures for litigation
5 expenses in connection with proceedings before administrative
6 agencies or state or federal courts, including experts,
7 mediators, court reporters, process servers and witness fees,
8 but not including attorney contracts;

9 S. contracts for service relating to the design,
10 engineering, financing, construction and acquisition of
11 public improvements undertaken in improvement districts
12 pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 and
13 in county improvement districts pursuant to Subsection L of
14 Section 4-55A-12.1 NMSA 1978;

15 T. works of art for museums or for display in
16 public buildings or places;

17 U. contracts entered into by a local public body
18 with a person, firm, organization, corporation or association
19 or a state educational institution named in Article 12,
20 Section 11 of the constitution of New Mexico for the
21 operation and maintenance of a hospital pursuant to Chapter
22 3, Article 44 NMSA 1978, lease or operation of a county
23 hospital pursuant to the Hospital Funding Act or operation
24 and maintenance of a hospital pursuant to the Special
25 Hospital District Act;

1 V. purchases of advertising in all media,
2 including radio, television, print and electronic;

3 W. purchases of promotional goods intended for
4 resale by the tourism department;

5 X. procurement by or through the public education
6 department from the federal department of education relating
7 to parent training and information centers designed to
8 increase parent participation, projects and initiatives
9 designed to improve outcomes for students with disabilities
10 and other projects and initiatives relating to the
11 administration of improvement strategy programs pursuant to
12 the federal Individuals with Disabilities Education Act;
13 provided that the exemption applies only to procurement of
14 services not to exceed two hundred thousand dollars
15 (\$200,000); and

16 Y. procurement of an agreement, pursuant to
17 Section 9-7-6.5 NMSA 1978, to operate Fort Bayard medical
18 center or to provide and operate in Grant county a
19 replacement facility for Fort Bayard medical center."

20 Section 3. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect
22 immediately. _____

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